

THIRTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, June 24, 1879. }

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Ripetoe, the reading of the journals of yesterday was dispensed with and the same adopted.

Senator Davenport presented the petition of the attorneys and county officers of Shackelford county, "Asking the terms of their district court (the twelfth district) be changed to semi-annual terms," giving several reasons for the contemplated change.

Referred to committee on judicial districts.

Also, a petition from attorneys, county officers and citizens of Stephens county "Asking that their district court be allowed two weeks for each term in their county instead of one as now, and that they be allowed only two terms of the district court a year instead of three as now provided by law," giving good reasons for the proposed changes.

Referred to committee on judicial districts.

(Senator Ledbetter in the chair.)

Senator Houston introduced a bill entitled "An act to amend article 4662 of chapter 1, title 95 of the Revised Civil Statutes of the State of Texas, so as to reduce taxation to two-fifths of one per cent."

Referred to committee on finance.

Senator Guy introduced a bill entitled "An act to fix and change the time of holding the terms of the district courts in the eleventh judicial district of the state."

Referred to committee on judicial districts.

Senator Patton offered the following resolution:

WHEREAS, the House of Representatives on yesterday morning, presented to the Senate House bill No. 3, which makes an appropriation for the payment of the interest on the public bonded debt of the State of Texas to become due during the next two years, and also the sinking fund for said time; and

Whereas, one installment of the said interest will become due now in a few days, viz: on the first of July next, and

Whereas, said bill was yesterday morning referred to the committee on finance of the Senate, which committee has failed to make a report on said bill at this morning's call, therefore, be it

Resolved by the Senate, That said committee be and they are hereby instructed to return said bill to the Senate at once, either with or without a report, and that said bill be made the special order of the Senate to-day and from day to day until finally disposed of.

Senator Storey offered the following amendment:

Strike out all after the word "call," in eighth line, and insert, and

"WHEREAS, the Senate was in session nearly all day on yesterday, so that the committee could not meet; and,

"Whereas, this Senate has already passed a bill providing for the payment of the July interest; therefore, be it

Resolved, That said finance committee inquire into the necessity of reporting the House bill with or without amendments, as they may deem best for the interest of the state, and that they make their report in time to enable the state to meet the July interest."

(President in the chair.)

Senator made the point of order that the resolution of Senator Patton could not be considered during the morning call.

Overruled.

Senator Edwards made the point of order that the resolution of Senator Patton was not a resolution in the meaning contemplated by rule 28, but that said resolution was in fact a motion to discharge a committee and make a bill a special order, and could not be considered during the morning call.

Senator Houston made the point of order, upon Senator Edward's point of order, that it was made to late.

Senator Houston's point of order sustained.

Senator Ledbetter moved to postpone the consideration of the resolution and amendment until to-morrow at 10 o'clock A. M.

Senator Hobby moved to lay the resolution and amendment on the table.

Senator Houston moved a call of the Senate.

Call sustained.

Roll called. Absent—Grace.

On motion of Senator Brown, Senator Grace was excused, and Senate announced full.

The motion of Senator Hobby to lay the pending resolution and amendment on the table was carried by the following vote:

YEAS.

Blassingame,	Hobby,	Martin,	Storey,
Buchanan,	Lair,	McCulloch,	Terrell,
Edwards,	Lane,	Moore,	Tilson—14.
Ford,	Ledbetter,		

NAYS.

Burnett,	Houston,	Ripetoe,	Street,
Burton,	Motley,	Shannon,	Swain—11.
Davenport,	Patton,	Stewart,	

The following senators were paired, to-wit:

Senator Brown with Senator Grace; he would vote "aye," and Senator Grace "no;" Senator Guy with Senator Gooch, Senator Homan with Senator Duncan. The first named in the last two pair would vote "no," and the last named "yea" on this question.

Senator McCulloch introduced a bill entitled "An act to provide for and regulate the redemption of real estate."

Referred to judiciary committee No. 1.

Senate bill No. 9, supplemental appropriation bill, was taken up as the special order.

The president, after publicly reading its caption, signed House bill No. 11, entitled "An act to define the times of holding the terms of the district courts in the fifth judicial district of the State of Texas."

Senator Houston offered the following amendment:

Strike out lines eight and nine, page 4—being item of \$1500 additional salary to an architect.

Senator Lane offered the following amendment:

Amend by adding after the word "building," on ninth line, fourth page, as follows:

"To be taken out of the proceeds of the first sale of the lands, as provided for in the act of the Sixteenth Legislature, providing for the

sale of three millions of acres of public domain for the erection of a new state capitol," approved February 20th, 1879.

Senator Lane's amendment was adopted.

Senator Houston withdrew his amendment.

Senator Street offered the following amendment :

Amend by striking out lines twenty-seven and twenty-eight, page 3, and the heading thereof.

Senator Ford offered the following amendment :

After the words "Prairie View," in line twenty-eight, add "1600, to be taken from the university fund."

Adopted.

Senator Street withdrew his amendment.

Senator Terrell moved to reconsider the vote adopting Senator Ford's amendment.

Adopted by the following vote :

YEAS.			
Blassingame,	Homan,	McCulloch,	Shannon,
Brown,	Houston,	Moore,	Stewart,
Burnett,	Lair,	Motley,	Street,
Ford,	Ledbetter,	Patton,	Terrell,
Guy,	Martin,	Ripetoe,	Tilson—21.
Hobby,			

NAYS.			
Buchanan,	Edwards,	Story,	Swain—5.
Davenport,			

Not voting—Burton, Grace, Lane.

Senator Ford then withdrew his amendment and offered the following amendment:

Amend heading and lines twenty-seven and twenty-eight, page 3, so as to read as follows: "Prairie View Agricultural College."

"Additional for the branch agricultural college for colored youths at Prairie View, \$1600, to be taken from the university fund."

Adopted.

Senator Street re-offered the amendment which he withdrew a short time since.

Senator Homan moved the previous question.

Motion seconded and main question ordered.

The amendment of Senator Street was then lost by the following vote:

YEAS.			
Blassingame,	Houston,	McCulloch,	Street,
Brown,	Lair,	Motley,	Terrell—8.
NAYS.			
Buchanan,	Grace,	Ledbetter,	Shannon,
Burnett,	Guy,	Martin,	Stewart,
Burton,	Hobby,	Moore,	Storey,
Davenport,	Homan,	Patton,	Swain,
Edwards,	Lane,	Ripetoe,	Tilson—20.

Not voting—Ford.

The substitute of the committee was then adopted.

Senator Edwards moved a call of the Senate.

Call sustained.

Roll called. Absent—Ford, Grace.

The absent senators appearing, the Senate was announced full.

Senator Patton offered the following amendment:

On page 3, in line twenty-one, strike out "\$30,000, \$30,000," and insert therefor "\$1000, \$1000."

Senator Storey moved the previous question on the pending amendment and engrossment of the bill.

Motion seconded and the main question ordered.

The amendment of Senator Patton was lost, and bill ordered engrossed by the following vote:

YEAS.			
Blassingame,	Ford,	Ledbetter,	Storey,
Brown,	Hobby,	Martin,	Street,
Buchanan,	Lair,	McCulloch,	Terrell,
Edwards,	Lane,	Moore,	Tilson—16.
NAYS.			
Burnett,	Grace,	Patton,	Stewart,
Burton,	Houston,	Ripetoe,	Swain—11.
Davenport,	Motley,	Shannon,	

The following senators were paired, to wit: Senator Guy with Senator Gooch, Senator Homan with Senator Duncan. The first-named in each pair would vote "nay," and the last-named "yea" on this question.

Senator Edwards moved to suspend the rules and place the bill on its third reading.

Lost by the following vote:

YEAS.			
Blassingame,	Ford,	Ledbetter,	Storey,
Brown,	Hobby,	Martin,	Street,
Buchanan,	Lair,	McCulloch,	Tilson—15.
Edwards,	Lane,	Moore,	
NAYS.			
Burnett,	Grace,	Patton,	Shannon,
Burton,	Houston,	Ripetoe,	Stewart—9.
Davenport,			

Not voting—Motley, Swain, Terrell.

The following senators were paired:

Senators Guy and Gooch, and Senators Homan and Duncan; the first of each pair would vote "no" and the last "aye" on this vote.

On motion of Senator Ledbetter, Senator Duncan was excused until Friday morning next.

Senator Patton (by leave) presented the petition of many citizens of Lavaca county, "asking the repeal of the law imposing occupation taxes," with many reasons for the same.

Referred to the committee on finance.

The following message was received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, June 24, 1879.

To the honorable Senate and House of Representatives, in Legislature assembled:

I respectfully call your attention to the accompanying letter of the commissioner of insurance, statistics and history, and the memorial of persons engaged in insurance business, requesting an amendment of the law on insurance for their better protection, who do such business in this state according to the law, and recommend such action thereon as the Legislature may think proper.

Another subject of legislation, submitted for your consideration, is the

passage of a law providing that a party charged with an offense under the penal laws shall not be punished twice for the same offense, once by the officers of the city or town corporation and another time by the officers of the county.

Another subject is to provide for fees or compensation of county judges in criminal cases.

I also submit for your consideration and such legislative action as you may deem proper, the subject of internal improvements, accompanied by a memorial of citizens of Brazoria county.

O. M. ROBERTS, *Governor*.

CITY OF AUSTIN, June 21, 1879.

To his excellency O. M. Roberts, governor of the State of Texas:—

SIR—The undersigned, representing many of the insurance companies authorized to do business in the State of Texas, speaking in the interest of their own companies, and also, as they firmly believe, in the interest of all the companies legally authorized to do business in Texas, respectfully pray that your excellency will address our Legislature, calling attention to the abuses suffered by the companies that have paid the taxes and otherwise complied with the laws of the state, owing to the large competition in business carried on by outside companies that have not qualified under our state laws. This violation of the law is carried on by persons whom the statutes cannot well reach; and your memorialists beg to suggest that a law should be enacted more fully defining who are agents of insurance companies, and prescribing fines and penalties for the violation thereof.

We respectfully represent that the companies which have paid the state, county and municipal taxes imposed by the laws are entitled to the protection asked for against the illegitimate competition they now have to meet from companies who are insuring property in Texas without paying any tax, or in any other respect complying with the laws of our state.

The enactment of such a law as we suggest, would result in forcing all such companies as may desire to transact business in the state, to pay the taxes and otherwise comply with our state laws, and would place all companies competing for business on the same footing.

Believing that by affording the relief asked for, the Legislature would be performing but a simple act of justice to which all law-abiding citizens of the state are entitled, and with the earnest hope that our memorial may meet with the favorable consideration of your excellency, we have the honor to be, very respectfully your obedient servants,

R. J. HUGHES,
N. O. LAUVE & Co.,
S. O. COTTON & Bro.,
T. W. ALFREIND & SON.
DARGAN & TREZEVANT.
E. T. EGGLESTON,
EDWARD W. SHANDS,
SHANDS, ZIMPLEMAN & BERGEN.
M. B. SWEENEY,
BLANDFORD & CASTLES.

DEPARTMENT OF INSURANCE, STATISTICS AND HISTORY, }
AUSTIN, TEXAS, June 24, 1879.

To his excellency O. M. Roberts, Governor of Texas:

SIR—I have the honor to ask for an executive communication to the Legislature, inviting attention to the importance of some law that will define who are agents of insurance companies, and to fix their liability for acting without authority of law.

In anticipation of your excellency's compliance with this request, I have prepared a bill for legislative action whenever such action may be authorized.

Our law in this particular is defective, by reason of omissions and obscurity, that render its provisions difficult to enforce; this trouble will be obviated by the measure proposed. The revenues of the state will, most probably, be thereby increased; and the high standard of insurance prescribed in this state will be maintained by its adoption.

Most respectfully,

V. O. KING, *Commissioner.*

To his excellency O. M. Roberts, and to the Honorable President of the Senate and Speaker of the House of Representatives of the Legislature of Texas:

We, undersigned citizens of Brazoria county, would respectfully represent that they reside on or near to Oyster creek; which river is opened for navigation for more than forty miles; provided a bend of said stream near its mouth, about one hundred yards across, should be cut sufficiently wide and deep for passage of vessels. Now, the undersigned pray said honorable bodies on the recommendation of the governor, that they will grant sixteen sections of land per mile for three miles, the distance of said Oyster creek around said bend, unto John L. Hudgins, Dr. William Holt, Mr. William May and their associates, when said bend shall be cut through forty-five feet wide and with three feet of water at ordinary tide.

J. L. STRATTON;	W. H. HOLT,
M. D. HOLT,	WM. J. D. MAY,
WM. R. HOLT,	T. W. BAHAN,
B. F. HOLT,	B. FRANK HOLT,
A. W. HOLT,	WALTER HOLT,
GEORGE COCKS,	W. D. HOSKINS,
JOHN HOSKINS,	I. C. HOSKINS,
EDD FALLETT,	JOHN ROSS,
J. K. PERRY,	JOHN PERRY,
FRANK PERRY,	A. E. AYRES,
JACK MENTUS,	HENRY LUCKET,
DENNIS LUCKET,	CHAS. GASBY,
BEN BUSH,	ZACK TAYLOR,
ANDERSON GOOD,	PHIL RUCKER,
THOS. BROWN,	RUBE ANDERSON,
NICK WILLIAMS,	ALBERT GIBBS,
JEFF EVANS,	BARNER CARTER,
FRANK GIBBS,	W. W. GROCE,
CHAS. ANDERSON,	ALEX. WILLIAMS,
DAN. ADDUSON,	W. JACK BRYAN."

On motion of Senator Davenport, the Senate adjourned until 9 o'clock to-morrow morning.